

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANSLEY GASPARD,

Plaintiff,

ORDER OF REMAND
11-CV-2942 (RRM) (RLM)

-against-

ESTELA BERMUDO and
KATHLEEN CALAGOS,

Defendants.

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MAUSKOPF, United States District Judge:

This personal injury action arising out of a motor vehicle accident between Plaintiff, allegedly a citizen of New York, and Defendants, allegedly citizens of New Jersey, was commenced on or about May 13, 2011 with the filing of a Summons and Verified Complaint in the Supreme Court of the State of New York, County of Kings. On June 20, 2011, Defendants removed this action, citing as the basis for removal this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

That same day, this Court issued an Order to Show Cause, requiring Defendants to demonstrate why this action should not be remanded to state court for lack of subject matter jurisdiction. Specifically, Defendants were ordered to show cause why, for purposes of establishing diversity jurisdiction, the pleadings or other writings suggest to a reasonable probability that the amount in controversy meets the statutory threshold. *See Moltner v. Starbucks Coffee Company*, 624 F.3d 34, 36 (2d Cir. 2010) (requiring "bright line" established through a pleading or other paper that explicitly specifies the amount of money damages sought); *Whitaker v. American Telecasting, Inc.*, 261 F.3d 196 (2d Cir. 2001) (basis for removal must be ascertained from the initial complaint or other pleading).

In their response to the Order to Show Cause, filed this day, *see* Doc. No. 3, Defendants “agree” that this matter should be remanded to state court.

Therefore, for the reasons set forth in this Court’s Order to Show Cause, and with the consent of Defendants, this action is hereby REMANDED to the Supreme Court of the State of New York, County of Kings. The Clerk of Court is directed to close the file.

SO ORDERED.

Dated: Brooklyn, New York
June 23, 2011

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge